

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN LAUREANO,

Plaintiff,

-against-

STAR BILLIARDS LLC and STRATFORD
WEST LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/12/2023

1:21-cv-8355-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this case by filing a complaint on October 8, 2021 [ECF No. 1]. But the defendants never answered or otherwise appeared, and Plaintiff never took any action to prosecute this case. As such, the Court issued an order, dated July 19, 2022, directing Plaintiff to file a letter showing cause why this case should not be dismissed for failure to prosecute and why the Court should not impose the lesser sanction of requiring Plaintiff's counsel to pay monetary fines [ECF No. 7]. The Court also placed "**Plaintiff personally . . . on notice**" that failure to comply with court orders and prosecute this case might result in dismissal with prejudice. Shortly thereafter, Plaintiff issued amended summonses and filed affidavits of service [ECF Nos. 8, 9, 10, 11, 12, 13]. However, Defendants still never appeared, Plaintiff never responded to the Court's Order To Show Cause, and Plaintiff has taken no action to prosecute this case in nearly a year.

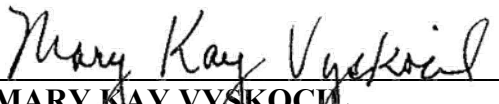
The Court has carefully considered all of the factors for dismissal with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure that the Second Circuit has identified. *See Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). All of those factors weigh in favor of dismissal. The Court notes in particular that Plaintiff has failed to take any meaningful action to prosecute this case for 21 months, the Court previously put Plaintiff on notice

that failure to prosecute might result in dismissal, and the Court's threat of lesser sanctions (in the form of monetary fines) apparently made no impression.

Accordingly, IT IS HEREBY ORDERED that this case is dismissed with prejudice for failure to prosecute.

SO ORDERED.

Date: July 12, 2023
New York, NY


MARY KAY VYSKOCIL
United States District Judge